

Remarks

Claims 1, 2, 4-10, 12, 14, 15 and 18-22 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have carefully reviewed and revised the claims in view of the Examiner's comments. Independent claims 1, 5, 8 are clearly directed to a projectile alone, while independent claims 14 and 15 are directed to a combination of a firing apparatus and a cartridge including a projectile. Applicants have also amended all of the independent claims to indicate that the projectile includes a raised portion configured to engage with a bore of a firing device. Support for this feature is found at page 7, paragraph [0019] of the original specification. Applicants submit that all of the claims in this case are clearly definite as required under 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5-10, 12 and 18-20 stand rejected under 35 U.S.C. §103(a) as being anticipated by Taylor. Applicants respectfully traverse rejection.

Applicants note that the examiner's comments appear to be directed to a rejection based on anticipation rather than obviousness. The only feature the examiner states is not expressly disclosed by Taylor is that the second portion has a mass less than the first portion. The examiner contends this feature would be obvious based on Taylor's figures. This feature, however, is only found in dependent claims 2 and 12. The examiner has failed to provide any rationale for why Taylor would render the other rejected claims obvious under 35 U.S.C. 103(a). Without such reasoning, the examiner's rejection is improper under the PTO's own established examination guidelines.

Applicants suggest that the examiner clarify the rejection. If the rejection is to be based on obviousness, then the examiner should provide sufficient rationale as to how each and every feature of each and every claim would be rendered obvious by the single Taylor reference. Without supporting rationale, the examiner's rejection is clearly improper. If the examiner contends that each and every feature of a given claim is found in Taylor, it would appear that the rejection should be one based on anticipation under 35 U.S.C. 102. Applicants cannot be expected to respond to rejections that are not properly couched under an appropriate code section. It is the examiner's responsibility to issue a proper rejection with proper supporting rationale.

Turning to the merits of Taylor, applicants note that Taylor discloses a bomb that is dropped from an aircraft. While Taylor discloses that the bomb may be stored in a launching

tube, there is no disclosure or suggestion of any portion of bomb engaging with the launching tube in order to induce relative rotation between the vanes 19 and the body 5.

Applicants have now amended the claims to further and more clearly define that a raised portion of the claimed device is configured to engage a bore of a firing device when the projectile is fired in order to induce relative rotation between the two claimed portions. Taylor fails to disclose or suggest the claimed raised portion, since Taylor is a bomb intended to be dropped by an aircraft as opposed to a projectile intended to be fired through a bore of a firing device. In Taylor, rotation of the blades is clearly induced by air flow and not by any portion of the bomb contacting with the launch tube. Applicants submit the claims clearly define over the structure disclosed in Taylor.

Claims 1, 4-10, 14, 15 and 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alford et al. Applicants respectfully traverse the rejection.

Again, the examiner appears to state that all of the claim features are found in Alford et al. No rationale is provided with respect to a finding of obviousness. The rejection appears to be improperly based in a manner similar to that set forth above with respect to Taylor.

Applicants note the projectile disclosed in Alford et al. is designed to be fired from a bore. However, there is no specific teaching of a raised portion configured to engage a bore to cause relative rotation between the two portions as now specifically claimed. Instead, Alford et al. utilizes a rotor and stator in combination as a generator to vary the spin of the projectile. Accordingly, Alford et al. requires a rather complicated active electrical system to cause relative rotation as opposed to a simple raised portion as claimed. As the structure disclosed in Alford et al. is completely different from the structure of the claimed invention, the single Alford et al. reference cannot alone form the basis for finding the claims prima facie obvious.

Claims 23-25 have been added to further claim the features of the disclosed invention. Claims 23-25 state that the raised portion is a cylindrical ring. Support for claims 23-25 can be found in paragraph [0019] of the original specification. Applicants submit that neither Taylor nor Alford et al. discloses or suggests the use of a cylindrical ring as set forth in the claims at issue. Accordingly, claims 23-25 are believed to define over the cited art of record.

In view of the above, all of the claims, in this case are believed to be in condition for allowance notice of which is respectfully urged.

Respectfully submitted,

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DATE

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